

110TH CONGRESS
2D SESSION

H. R. 5401

To authorize the Secretary of Education to make grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2008

Mr. LOEBSACK (for himself, Mr. HARE, Ms. HOOLEY, Mr. PAYNE, Mr. VAN HOLLEN, Mr. BOSWELL, and Mr. KAGEN) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To authorize the Secretary of Education to make grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Grants for Renewable
5 and Energy Efficiency Needs School Improvement Act”
6 or the “GREEN School Improvement Act”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

1 (1) According to a recent report entitled
2 “Greening America’s Schools: Costs and Benefits”
3 buildings use a large amount of the Nation’s energy
4 and electricity. Air pollution and greenhouse gas
5 emissions from burning fossil fuels to heat and to
6 generate electricity for these buildings can impose
7 health, environmental, and property damage costs.
8 Green schools use on average one-third less energy
9 than conventional schools and could lead to large
10 overall emissions reductions per school.

11 (2) The same report indicates that out of 30
12 schools reviewed, the average energy savings of a
13 green school over a conventional school was 33 per-
14 cent and the water savings was 32 percent. The
15 total financial savings from green schools are around
16 \$70 per square foot, with a \$12 per square foot sav-
17 ings going directly to schools.

18 (3) According to a 1996 GAO report, school of-
19 ficials estimated that to bring schools up to a “good
20 overall condition”, it would cost a total of
21 \$112,000,000,000, and \$11,000,000,000 alone to
22 comply with Federal mandates.

23 (4) According to a report by the National Cen-
24 ter for Education Statistics report,
25 \$127,000,000,000 is needed to bring the three-quar-

1 ters of current school buildings with need for re-
2 pairs, renovations and modernizations up to a “good
3 overall condition”.

4 (5) According to the GAO, 14,000,000 students
5 attend schools considered below standard or dan-
6 gerous and almost two-thirds of schools have build-
7 ing features such as air conditioning that are in
8 need of extensive repair or replacement leading to
9 the air being unfit to breathe in nearly 15 thousand
10 schools.

11 (6) A report by The Rural School and Commu-
12 nity Trust found that overall public school enroll-
13 ment in the United States increased by about
14 602,000 students or 1 percent while enrollment in
15 rural schools increased by over 1,339,000 or 15 per-
16 cent. The poorest rural populations are in the poor-
17 est states least able to afford the cost of an ade-
18 quate education.

19 (7) A 2006 report by Building Educational
20 Success Together found that the academically need-
21 iest students, minorities and impoverished students
22 were most likely to attend the most decrepit facilities
23 and that while unprecedented spending on facilities
24 and growth was seen across the country, the least
25 affluent school districts made the lowest investment.

1 (8) According to a recent report entitled
2 “Greening America’s Schools: Costs and Benefits”
3 an examination of numerous States with green
4 projects found a significant increase in employment
5 and revenue in those States. In this same report,
6 one State with green schools found a 5 percent re-
7 duction in teacher turnover.

8 (9) In examining numerous schools, based on a
9 substantial data set a 3–5 percent improvement in
10 learning ability and test scores in green schools can
11 be expected.

12 (10) According to a report by the U.S. Environ-
13 mental Protection Agency entitled “Indoor Air Qual-
14 ity” in January 2003, students and faculty typically
15 spend 85 to 90 percent of their time indoors and the
16 concentration of pollutants indoors is typically high-
17 er than outdoors, sometimes by as much as 10 or
18 even 100 times.

19 (11) According to a study by the Carnegie Mel-
20 lon University Center for Building Performance in
21 2005, 17 separate studies all found positive health
22 impacts from improved indoor air-quality, ranging
23 from 13.5 percent up to 87 percent improvements
24 with average improvement of 41 percent.

1 (12) According to a recent report entitled
2 “Greening America’s Schools: Costs and Benefits”,
3 an analysis of numerous green schools showed that
4 both teacher sick days and student absenteeism de-
5 creased by 12 to 15 percent in green schools.

6 **SEC. 3. DEFINITIONS.**

7 In this section:

8 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-
9 ty” means a consortium of—

10 (A) one local educational agency; and

11 (B) one or more—

12 (i) schools;

13 (ii) non-profit organizations;

14 (iii) for-profit organizations; or

15 (iv) community partners that have the
16 knowledge and capacity to partner and as-
17 sist with energy improvements.

18 (2) **ENERGY IMPROVEMENTS.**—The term “en-
19 ergy improvements” means—

20 (A) any improvement, repair, or renova-
21 tion, to a school that will result in a direct re-
22 duction in school energy costs including but not
23 limited to improvements to building envelope,
24 air conditioning, ventilation, heating system, do-
25 mestic hot water heating, compressed air sys-

tems, distribution systems, lighting, power systems and controls;

(B) any improvement, repair, renovation, or installation that leads to an improvement in teacher and student health including but not limited to indoor air quality, daylighting, ventilation, electrical lighting, and acoustics; and

(C) the installation of renewable energy technologies (such as wind power, photovoltaics, solar thermal systems, geothermal energy, hydrogen-fueled systems, biomass-based systems, biofuels, anaerobic digesters, and hydropower) involved in the improvement, repair, or renovation to a school.

SEC. 4. FORMULA GRANTS TO STATES FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY IMPROVEMENTS AT PUBLIC SCHOOL FACILITIES.

(a) **AUTHORITY.**—From amounts made available for grants under this section, the Secretary of Education shall allocate funds to States to provide grants to local educational agencies and eligible entities to make energy improvements authorized by this section.

(b) **FORMULA.**—Amounts made available for grants under this section shall be allocated as follows:

1 (1) 1 percent shall be allocated to provide as-
2 sistance to outlying areas.

3 (2) 1 percent shall be allocated to the Secretary
4 of the Interior to provide assistance to Bureau-fund-
5 ed schools.

6 (3) The remaining amounts shall be allocated to
7 the State educational agencies. Each State edu-
8 cational agency shall be allocated an amount that
9 bears the same relation to the amount appropriated
10 for the fiscal year as the amount the State received
11 for fiscal year 2008 under part A of title I of the
12 Elementary and Secondary Education Act of 1965
13 bears to the amount all States received for fiscal
14 year 2008, except that no State educational agency
15 shall receive less than 0.5 percent of the remaining
16 amounts.

17 (c) AMOUNT RESERVED BY STATE FOR ADMINISTRA-
18 TION.—A State educational agency receiving an allocation
19 under subsection (b) may reserve not more than 2 percent
20 of that allocation for the purpose of administering the dis-
21 tribution of grants under this section.

22 (d) COMPETITIVE GRANTS.—

23 (1) IN GENERAL.—After any reservation under
24 subsection (c), the State educational agency shall
25 grant all remaining amounts on a competitive basis

1 to local educational agencies and eligible entities.
2 Any amounts that the State educational agency can-
3 not grant shall be returned to the Secretary and re-
4 allocated by the Secretary to other States under sub-
5 section (b).

6 (2) PRIORITY.—In making grants under this
7 subsection, the State educational agency shall give
8 priority to a local educational agency that has ren-
9 ovation, repair, and improvement funding needs and
10 is—

11 (A) a high-need local educational agency,
12 as defined in section 2102 of the Elementary
13 and Secondary Education Act of 1965 (20
14 U.S.C. 6602); or

15 (B) a local educational agency designated
16 with a metrocentric locale code of 41, 42, or 43
17 as determined by the National Center for Edu-
18 cation Statistics (NCES), in conjunction with
19 the Bureau of the Census, using the NCES sys-
20 tem for classifying local educational agencies.

21 (3) COMPETITIVE CRITERIA.—The competitive
22 criteria used by the State educational agency shall
23 include the following:

24 (A) The fiscal capacity of the local edu-
25 cational agency or eligible entity to meet the

1 needs for improvements of school facilities with-
2 out assistance under this section, including the
3 ability of the local educational agency or eligible
4 entity to raise funds through the use of local
5 bonding capacity and otherwise.

6 (B) In the case of a local educational agen-
7 cy that proposes to fund an improvement for a
8 charter school, the extent to which the school
9 has access to funding for the project through
10 the financing methods available to other schools
11 or local educational agencies in the State.

12 (C) The likelihood that the local edu-
13 cational agency or eligible entity will maintain,
14 in good condition, any facility whose improve-
15 ment is assisted.

16 (4) APPLICATIONS.—To be eligible to receive a
17 grant under this section, an applicant must submit
18 to the State educational agency an application that
19 includes each of the following:

20 (A) A needs assessment of the current con-
21 dition of the school and facilities that are to re-
22 ceive the energy improvements.

23 (B) A draft work plan of what applicant
24 hopes to achieve at the school and a description
25 of the energy improvements to be carried out.

1 (C) A description of the applicant's capac-
2 ity to provide services and comprehensive sup-
3 port to make the energy improvements.

4 (D) An assessment of the applicant's ex-
5 pected needs for operation and maintenance
6 training funds, and a plan for use of those
7 funds, if any.

8 (E) An assessment of the expected benefits
9 of the energy improvements.

10 (F) A cost estimate of the proposed energy
11 improvements.

12 (G) An identification of other resources
13 that are available to carry out the activities for
14 which funds are requested under this section,
15 including the availability of utility programs
16 and public benefit funds.

17 (H) An assurance that the application was
18 developed in consultation with the facilities
19 manager of the school, parents, classroom
20 teachers, and principals.

21 (I) A memorandum of understanding be-
22 tween the school selected for the energy im-
23 provements and the applicant.

1 (J) An assessment of the need for an audit
2 and, if so, a justification of the need for the
3 audit.

4 (K) If the applicant is an eligible entity—
5 (i) a description of the eligible entity;
6 (ii) a description of the capacity of the
7 eligible entity to provide services and sup-
8 port applicable to the energy improve-
9 ments; and

10 (iii) a memorandum of understanding
11 between the eligible entity and local edu-
12 cational agency.

13 (L) Any other information and assurances
14 that the State educational agency may reason-
15 ably require.

16 (5) MATCHING FUNDS.—The State educational
17 agency may require a recipient to provide matching
18 funds and, in determining the amount of the match-
19 ing funds, shall take into account the relative pov-
20 erty of the population served by the local educational
21 agency.

22 (e) USE OF GRANT AMOUNTS.—

23 (1) IN GENERAL.—The recipient of a grant
24 under this section shall use the grant amounts only
25 to make the energy improvements contemplated in

1 the application, subject to the other provisions of
2 this subsection.

3 (2) OPERATION AND MAINTENANCE TRAIN-
4 ING.—The recipient may use up to 5 percent for op-
5 eration and maintenance training for energy effi-
6 ciency and renewable energy improvements (such as
7 maintenance staff and teacher training, education,
8 and preventative maintenance training).

9 (3) AUDIT.—The recipient may use funds for a
10 third-party investigation and analysis for energy im-
11 provements (such as energy audits and existing
12 building commissioning).

13 (4) CONTINUING EDUCATION.—The recipient
14 may use up to 1 percent of the grant amounts to de-
15 velop a continuing education curriculum relating to
16 energy improvements.

17 (f) CONTRACTING REQUIREMENTS.—

18 (1) DAVIS-BACON.—Any laborer or mechanic
19 employed by any contractor or subcontractor in the
20 performance of work on any energy improvements
21 funded by a grant under this section shall be paid
22 wages at rates not less than those prevailing on
23 similar construction in the locality as determined by
24 the Secretary of Labor under subchapter IV of chap-

1 ter 31 of title 40, United States Code (commonly re-
2 ferred to as the Davis-Bacon Act).

3 (2) COMPETITION.—Each applicant that re-
4 ceives funds shall ensure that, if the applicant car-
5 ries out repair or renovation through a contract, any
6 such contract process—

7 (A) ensures the maximum number of quali-
8 fied bidders, including small, minority, and
9 women-owned businesses, through full and open
10 competition; and

11 (B) gives priority to businesses located in,
12 or resources common to, the State or the geo-
13 graphical area in which the project is carried
14 out.

15 (g) REPORTING.—

16 (1) BY RECIPIENTS.—Each recipient of a grant
17 under this section shall submit to the State edu-
18 cational agency, at such time as the State edu-
19 cational agency may require, a report describing the
20 use of such funds for energy improvements, the esti-
21 mated cost savings realized by those energy improve-
22 ments, the results of any audit, the use of any utility
23 programs and public benefit funds and the use of
24 performance tracking for energy improvements (such

1 as the Department of Energy: Energy Star program
2 or LEED for Existing Buildings).

3 (2) BY STATES.—Each State educational agen-
4 cy receiving an allocation under this section shall
5 submit to the Secretary, not later than December 30
6 of each year, a report on the use of funds received
7 and made available to recipients for energy improve-
8 ments, the estimated cost savings realized by those
9 energy improvements, the results of any audits, the
10 use of any utility programs and public benefit funds
11 and the use of performance tracking for energy im-
12 provements (such as the Department of Energy: En-
13 ergy Star program or LEED for Existing Build-
14 ings).

15 (h) BEST PRACTICES.—

16 (1) PUBLICATION OF STATE REPORTS.—The
17 Secretary shall publish the reports from the State
18 educational agencies.

19 (2) DEVELOPMENT OF GUIDELINES.—The Sec-
20 retary shall use the results of the reports to develop,
21 in consultation with the Secretary of Energy, guide-
22 lines and best practices for activities carried out
23 under this section.

24 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this section

1 \$2,000,000,000 for each of fiscal years 2009 through
2 2014.

3 **SEC. 5. COMPETITIVE GRANTS TO STATES TO DEVELOP**
4 **GUIDELINES FOR ENERGY IMPROVEMENTS.**

5 (a) **AUTHORITY.**—From amounts made available for
6 grants under this section, the Secretary of Education
7 shall, on a competitive basis, make grants to States to de-
8 velop guidelines and standards for energy improvements
9 and new facility construction within the State.

10 (b) **PRIORITY.**—In making grants under this section,
11 the Secretary shall give priority to the following:

12 (1) A State that has local educational agencies
13 that have renovation, repair, and improvement fund-
14 ing needs and are—

15 (A) high-need local educational agencies,
16 as defined in section 2102 of the Elementary
17 and Secondary Education Act of 1965 (20
18 U.S.C. 6602); or

19 (B) local educational agencies designated
20 with a metrocentric locale code of 41, 42, or 43
21 as determined by the National Center for Edu-
22 cation Statistics (NCES), in conjunction with
23 the Bureau of the Census, using the NCES sys-
24 tem for classifying local educational agencies.

1 (2) A State that does not have established
2 guidelines and standards for energy improvements,
3 and new facility construction.

4 (c) APPLICATIONS.—To be eligible to receive a grant
5 under this section, an applicant must submit to the Sec-
6 retary an application that includes each of the following:

7 (1) An assessment of the need for State guide-
8 lines and standards for energy improvements and
9 new facility construction.

10 (2) An assessment of the expected benefits of
11 guidelines and standards for energy improvements
12 and new facility construction.

13 (3) A cost estimate of the proposed develop-
14 ment of guidelines and standards for energy im-
15 provements and new facility construction.

16 (4) A plan for utilization of guidelines and
17 standards for energy improvements and new facility
18 construction.

19 (5) A plan for utilization of businesses located
20 in, or resources common to, the geographical area.

21 (6) Any other information and assurances that
22 the Secretary may reasonably require.

23 (d) USE OF FUNDS.—

24 (1) IN GENERAL.—The recipient of a grant
25 under this section shall use the grant amounts only

1 to develop the guidelines and standards con-
2 templated by this section, subject to the other provi-
3 sions of this subsection.

4 (2) CONTENT OF GUIDELINES AND STAND-
5 ARDS.—The guidelines and standards shall—

6 (A) be based on current regional standards
7 set by the Department of Energy; and

8 (B) give priority to the utilization of busi-
9 nesses located in, or resources common to, the
10 geographical area.

11 (3) FEES.—The recipient may use grant
12 amounts for fees related to securing information re-
13 sources, obtaining training, and obtaining certifi-
14 cations, to the extent doing so is relevant to devel-
15 oping guidelines and standards for renovations, mod-
16 ernizations, and new construction (such as obtaining
17 third party certification for the institution of best
18 practices related to ongoing operations and mainte-
19 nance for existing buildings).

20 (e) REPORTING.—Each recipient of grant funds
21 under this section shall, not later than December 30 of
22 the year for which the funds were awarded, submit to the
23 Secretary a report that describes the progress made in de-
24 veloping the guidelines and standards, and includes any
25 completed guidelines and standards.

1 (f) BEST PRACTICES.—

2 (1) PUBLICATION OF REPORTS.—The Secretary
3 shall publish the reports from the State educational
4 agencies.

5 (2) DEVELOPMENT OF NATIONWIDE REGIONAL
6 GUIDELINES.—The Secretary shall use the results of
7 the reports to develop, in consultation with the Sec-
8 retary of Energy, best practices to further the goal
9 of developing nationwide and regional guidelines and
10 standards for improvements, modernizations, renova-
11 tions, and new construction.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$50,000,000 for each of fiscal years 2009 through 2014.

15 **SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.**

16 (a) IN GENERAL.—The Comptroller General of the
17 United States shall carry out a study on—

18 (1) the costs of repair, renovation, and con-
19 struction for public elementary schools and sec-
20 ondary schools in the United States;

21 (2) the expenditures of Federal, State, local,
22 and private funds for such costs; and

23 (3) the potential of Federal funding to address
24 the repair, renovation, and construction needs of

1 public elementary schools and secondary schools in
2 the United States with energy improvements.

3 (b) ESTIMATES AND MEASURES.—In carrying out
4 the study, the Comptroller General shall—

5 (1) estimate the costs needed to repair, ren-
6 ovate, and construct all schools described in sub-
7 section (a)(1) to a “good overall condition”;

8 (2) measure the expenditures described in sub-
9 section (a)(2) for the period beginning with fiscal
10 year 2001 and ending with the most recent fiscal
11 year for which data are available; and

12 (3) estimate the potential costs, and the poten-
13 tial cost savings, of including in needed repairs, ren-
14 ovations, and construction, energy improvements, as
15 described in subsection (a)(3).

16 (c) ANALYSIS.—With respect to subsection (b)(2),
17 the Comptroller General shall examine the history of such
18 expenditures, including examining—

19 (1) types of schools assisted, and the types of
20 repair, renovation, and construction activities con-
21 ducted, with those expenditures;

22 (2) how the expenditures were allocated among
23 improvements to land, buildings, and equipment;

24 (3) how Federal funds for such activities have
25 been distributed; and

1 (4) how Federal funds have been used to sup-
2 port energy improvements in public elementary
3 schools and secondary schools.

4 (d) REPORT.—Not later than one year after the date
5 of the enactment of this Act, the Comptroller General shall
6 submit to Congress a report on the results of the study.

○